

Message Text

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C O N F I D E N T I A L OTTAWA 1006

E.O. 11652: GDS

TAGS: SENV, CA

SUBJ: EASTPORT REFINERY

REF: STATE 055603

SUMMARY: EXTAFF OFFICIALS REGISTER SURPRISE AT US REACTION TO GOC NOTE, REVEAL THAT LOS IMPLICATIONS PERHAPS NOT FULLY CONSIDERED. END SUMMARY.

1. IN SEPARATE CONVERSATIONS WITH POL COUNS MAR 13 AND 14, EXTAFF OFFICIALS SHORTLIFFE AND NUTT EXPRESSED SURPRISE AND CHAGRIN AT STRENGTH OF ADVERSE US REACTION TO EXTAFF'S MARCH 6 AIDE MEMOIRE. BOTH INSISTED THAT MOTIVATION FOR AIDE MEMOIRE WAS TO ENSURE THAT US NOT BE TAKEN BY SURPRISE BY GOC ACTION, AS HAD UNFORTUNATELY HAPPENED IN BOTH DIRECTION IN TIMES PAST, BUT WOULD BE GIVEN TIME TO STUDY, DIGEST AND ADJUST TO GOC PLANNED ACTION IN ADVANCE OF IMPLEMENTATION. BOTH WERE PARTICULARLY UNHAPPY AT IMPUTATION IN US RESPONSE THAT GOC HAD EXPECTED THAT ITS VIEWS WOULD BE CONVEYED TO, AND THUS CONSTITUTE PRESSURE ON MAINE ENVIRONMENT PROTECTION BOARD. NUTT SAID THAT DECISION TO REGULATE TRAFFIC IN HEAD HARBOR PASSAGE UNDER SHIPPING ACT HAD BEEN TAKEN SOME TIME AGO WHEN GOC WAS CONVINCED THAT MAINE BOARD DECISION WOULD GIVE FULL GREEN LIGHT OT PITTSTON. WHEN THIS LEAKED IN PRESS IN

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FEBRUARY, DISCUSSIONS HAD TAKEN PLACE WITHIN GOC CON-

CERNING DESIRABILITY OF TRANSMITTING AIDE MEMOIRE MUCH EARLIER THAN INTENDED. IT HAD BEEN DECIDED TO ADHERE TO ORIGINAL PLAN TO DELIVER AIDE MEMOIRE ONE WEEK AHEAD OF MAINE BOARD'S SCHEDULED DECISION PRECISELY TO MINIMIZE POSSIBILITY THAT GOC ACTION WOULD LEAK TO BOARD AND INFLUENCE ITS DECISION.

2. POL COUNSELOR SUGGESTED THAT US HAD BEEN SOMEWHAT MYSTIFIED ABOUT MOTIVATION BEHIND AIDE MEMOIRE AND ITS TIMING. AGAINST POSSIBILITY THAT GOC MIGHT THINK THAT USG WOULD INFORM MAINE BOARD OF ITS AIDE MEMOIRE, US RESPONSE WAS DESIGNED SET GOC MIND AT REST. CONCERNING STRENGTH OF US REACTION, HE OBSERVED THAT WHILE US UNDER NO ILLUSIONS ABOUT GOC OPPOSITION TO REFINERY PROJECT, GOC AIDE MEMOIRE HAD GONE BEYOND SUCH PRIOR EXPRESSIONS OF OPPOSITION BY SPECIFYING PLANNED ACTION WHICH HAD EFFECT OF ESCALATING MATTER TO A UNILATERAL DEFINITION OF WHAT CONSTITUTED NON-INNOCENT PASSAGE THROUGH STRAITS. EXTAFF OFFICIALS DID NOT COMMENT ON (AND THUS DID NOT ATTEMPT REFUTE) THIS POINT. EXTAFF UNDER-SECRETARY BASIL ROBINSON REMARKED TO DCM MARCH 14 THAT TOUGH NATURE OF US RESPONSE CAUGHT CANADIANS BY SURPRISE, AND HE SPECULATED THAT PERHAPS GOC SHOULD HAVE MADE ITS VIEWS KNOWN IN SOME OTHER WAY, PERHAPS ORALLY.

3. SHORTLIFFE REFERRED TO 1972 STUDY BY US CORPS OF ENGINEERS WHICH INDICATED THAT EASTPORT WAS LEAST DESIRABLE DEEP-WATER PORT FOR DEVELOPMENT AS SUPERTANKER TERMINAL. POL COUNSELOR NOTED THAT CORPS REPORT HAD ASSUMED FOR ITS STUDY THAT NO NEW REFINERIES WOULD BE BUILT IN ATLANTIC COAST AREA WHICH WOULD HAVE MADE EASTPORT TERMINAL UNECONOMIC PROPOSITION GIVEN DISTANCE TO NEAREST EXISTING REFINERY. HE ALSO NOTED THAT CORPS REPORT HAD PRODUCED EVIDENCE THAT THERE WAS CONSIDERABLY GREATER STATISTICAL CERTAINTY OF OIL SPILLAGE FROM OPERATION OF MANY SMALLER TANKERS THAN FROM FEW SUPERTANKERS. IN LIGHT OF THAT EVIDENCE, ONE COULD ARGUE THAT GOC, BY ATTEMPTING DECREE USE OF SMALLER TANKERS IN HEAD HARBOR PASSAGE, WAS IN EFFECT SEEKING TO IMPOSE SYSTEM THAT WOULD GUARANTEE GREATER POLLUTION LEVEL.

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EXTAFF OFFICIALS, AS EXPECTED, COUNTERED THAT BREAKUP OF ONE SUPERTANKER WOULD UPSET ANY SUCH STATISTICAL PREDICTIONS.

4. COMMENT: EXTAFF OFFICIALS MAY BE AWFULLY GOOD ACTORS (WHICH QUITE POSSIBLE) BUT SEEMED GENUINELY TO FEEL THAT MARCH 6 AIDE MEMOIRE WAS SINCERE EFFORT TO MINIMIZE SURPRISES IN US-GOC RELATIONS. GENESIS OF AIDE MEMOIRE

REMAINS UNCLEAR. IN DELIVERING IT, SHORTLIFFE HINTED IT HAD MINISTERIAL-LEVEL APPROVAL. HOWEVER, OF LIKELY MINISTERIAL APPROVERS ENVIRONMENT MINISTER SAUVE MADE NO MENTION OF EASTPORT DURING CALL BY AMBASSADOR MARCH 7, AND EXTAFF SECSTATE MACEACHEN REPLIED, "WHAT AIDE MEMOIRE?" WHEN AMBASSADOR RAISED SUBJECT WITH HIM MARCH 12. OUR CONJECTURE IS THAT AIDE MEMOIRE MAY WELL HAVE BEEN DRAFTED BY EXTAFF (IT HAS SHORTLIFFE EARMARKS) AND BEEN APPROVED BY ENERGY, MINES AND RESOURCES MINISTER MACDONALD (WITH NEW BRUNSWICK REFINERY POTENTIAL IN MIND), OR BEEN GIVEN PERFUNCTORY APPROVAL BY HARRIED TRANSPORT MINISTER MARCHAND. SINCE OFFICIALS RESPONSIBLE FOR LOS MATTERS EITHER ABSENT AT OR BUSILY PREPARING FOR GENEVA CONFERENCE AND SINCE EXTAFF OFFICIALS UNPREPARED REBUT OUR INNOCENT PASSAGE ARGUMENTS, WE SUSPECT LOS ASPECT NOT FULLY CONSIDERED PRIOR DECISION AND MAY BE PROVOKING CONSIDERABLE ADDITIONAL HOMEWORK. PORTER

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